



**US Army Corps  
of Engineers®**

Seattle District

# Public Notice

Planning Branch  
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ATTN: Susan Smoley

Public Notice Date: 25 May 2017  
Expiration Date: 9 June 2017

## **Clark Fork Area III Levee Alteration under 33 U.S. Code Section 408**

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### **PUBLIC NOTICE PURPOSE**

This Public Notice informs the general public that the District Commander of the Seattle District, U.S. Army Corps of Engineers (the Seattle District) will evaluate an alteration to Clark Fork Area III Levee (the authorized Project), constructed June 1966, pursuant to 33 U.S.C. Section 408. The purpose of this Public Notice is to solicit comments from interested persons, groups, or agencies. The proposed alterations under consideration arise from the City of Missoula's proposal to pass a fiber optic line through the Clark Fork Area III Levee in the vicinity of the Madison Street Bridge. The Seattle District will evaluate the proposed alteration to ensure that it does not impair the usefulness of the federal project and that it would not be injurious to the public interest.

The scope of this Public Notice and opportunity for comment is limited to the Seattle District decision whether to approve the proposed alteration of the federally constructed Clark Fork Area III Levee Flood Improvements Project by the City of Missoula.

### **AUTHORITY**

Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 U.S.C. 408 requires permission from the Secretary of the Army for occupation, use, removal, or other alteration to Civil Works projects built by the United States. This permission authority is delegated through the Chief of Engineers to the Seattle District Commander. The Seattle District is authorized to grant permission under Section 408 if the District Commander determines that the proposed alteration is not injurious to the public interest and does not impair the usefulness of the authorized federal project. This proposed alteration alters a completed authorized federal project and therefore requires Corps of Engineers permission to proceed.

### **FEDERALLY AUTHORIZED PROJECT**

The Clark Fork Area III Levee was constructed by the Seattle District between October 1965 and June 1966 as a part of the Clark Fork, Columbia River Area V, Area III & Levee Extension Flood Improvements Project, under authority of the 1950 Flood Control Act, approved May 17, 1950, 81st Congress, 2d Session. A description of the Clark Fork Area III Levee, as originally authorized, is as follows:

The Clark Fork at Missoula – Area III levee system is a federally authorized and non-federally operated and maintained urban flood protection project. The project is located on the right bank of the Clark Fork River in Missoula, Montana. Construction on the Area III levee began October 1965 and was completed in June 1966 under authority of the 1950 Flood Control Act approved May 17, 1950. The project is operated and maintained by the City of Missoula. The Clark Fork at Missoula – Area III levee system includes 0.7 mile of levee and 0.2 mile of floodwall along the right bank of the Clark Fork River. The upstream point of the levee begins at the Madison Street Bridge, continues downstream, and ends at the North Orange Street Bridge abutment. The levee crown is covered by an asphalt pedestrian path with riprap armoring on the riverward side and residences and parks on the landward side for part of the levee.

### **PROPOSED ACTION**

The City of Missoula proposes to allow Wide Open Networks to pass a fiber optic line through the levee. This would allow the fiber optic line to be run on the underside of the Madison Street Bridge and across the Clark Fork River.

The proposed alteration includes either boring through the levee or excavation of a trench and compacting the excavated material over top of the conduit. A new handhole will also be added to the landward side of the levee prior to the fiber optic line emplacement.

### **EVALUATION**

Seattle District has determined that the City of Missoula's proposed project would entail an alteration to a federal flood improvement project built by the United States, and, thus, requires permission under Section 408. Therefore, the Seattle District will evaluate the proposed alteration to ensure that it does not impair the usefulness of the federal project and that it would not be injurious to the public interest.

### **PUBLIC REVIEW PROCESS**

Comments on this Public Notice will be accepted and made part of the evaluation record and will be considered in determining whether it would be injurious to the public interest to approve the alterations to the authorized Project. Interested parties may submit in writing any comments concerning this notice. The Seattle District will consider all submissions received before the expiration date of this notice.

Submit comments to the address posted at the top of this notice or to [susan.m.smoley@usace.army.mil](mailto:susan.m.smoley@usace.army.mil). Comments must be received no later than 9 June 2017 to ensure consideration. The Public Notice can be found at this following website: <http://www.nws.usace.army.mil/Missions/Environmental/Environmental-Documents/> under "Clark Fork Levee Area III Proposed Alteration under 33 U.S. Code Section 408."

Attachment: Proposed Alteration Location

